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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:****SUBSTITUTE AMENDMENT and RESPONSE**

Applicant files this Substitute Response to the Office Action dated January 30, 2004 to correct the presentation form of claims 4, 5 and 6. All amendments are the same.

**IN THE CLAIMS:**

Kindly amend the claims as shown in the listing of claims above.

1. (Currently amended) A flying toy system, comprising:

a kite portion, and  
a ballast figure, said kite portion and said figure each having plural hook and loop coupling and mating structures attaching said figure at certain points coupled to said kite portion that moves with respect to said kite portion, such that the remainder of said figure will move during flight of said system with respect to said kite portion.

2. (Currently amended) The flying toy system of Claim 1, further comprising a cage carried by said kite portion and configured to limit the movement of the ballast said figure when said system is in flight.

3. (Currently amended) The flying toy system of Claim 1, wherein said kite portion comprises:

a hull body portion; and

one or more airfoil portions coupled to said body portion;

wherein said one or more airfoil portions deflect air to provide lift for the system.

4. (Original) The flying toy system of Claim 3, wherein said body portion is in the form of a boat.

5. (Original) The flying toy system of Claim 3, wherein said body portion is in the form of a sailboard.

6. (Original) The flying toy system of Claim 3, wherein said one or more airfoil portions are in the form of a sail.

7. (Currently amended) The flying toy system of Claim 3, wherein said figure is coupled to said kite portion above said sail body portion.

8. (Currently amended) The flying toy system of Claim 1, wherein said ballast figure is removably, selectively and positionally coupled to said kite portion.

9. (Currently amended) The flying toy system of Claim 1, wherein said ballast portion

figure has hands having said mating structures, said mating structures being coupled at low points to said kite portion coupling structures such that the figure appears to be bending moves with respect to said kite portion when in flight.

10. (Currently amended) The flying toy system of Claim 1, wherein said ballast portion figure includes fill material moves periodically or intermittently with respect to said kite portion when in flight.

11. (Currently amended) The flying toy system of Claim 1, wherein said ballast portion figure remainder is flexible.

12. (Currently amended) The flying toy system of Claim 1, wherein said ballast portion figure is configured to inflate when in flight.

13. (Currently amended) The flying toy system of Claim 1, wherein said ballast figure is a human-like form.

14. (Currently amended) The flying toy system of Claim 1, wherein said ballast figure is an animal-like form.

15. (Currently amended) The flying toy system of Claim 1, wherein said ballast figure is a whimsical form.

16. (Currently amended) A ballast figure for a flying toy having a coupling structure, comprising:

a flexible housing having mating structure for said coupling structure that is configured to be removably, selectively, and positionally couplable couples said figure to a said flying toy;

wherein said flexible housing is being configured to pass air into said figure to inflate said figure when said flying toy is in flight.

17. (Currently amended) The ballast figure according to of Claim 16, wherein in which said mating structure comprises a hook or loop configuration for coupling with said coupling structure ballast moves two or more times with respect to said flying toy, when in flight, thereby changing the flight characteristics of said flying toy.

18. (Currently amended) The ballast of figure according to Claim 16, wherein in which said flexible housing comprises further has:

an airfoil portion; and

a mesh portion, said mesh portion being coupled to said airfoil portion configured to allow air to easily pass therethrough to the interior of said flexible housing.

19. (Currently amended) The ballast of figure according to Claim 16, in which said flexible housing has further comprising fill material located therewithin said flexible housing.

20. (Currently amended) A ballast figure for a flying toy having a coupling structure, said figure[,] comprising:

a housing portion having a mating structure for coupling removably, selectively, and positionally couplable to said coupling structure said flying toy and a remainder[,] wherein said ballast is figure remainder being configured to move periodically or intermittently when said flying toy is in flight relative to said mating structure.

21. (Currently amended) A flying toy, comprising:

a kite portion having a coupling structure; and  
a ballast figure having mating structures to couple to said coupling structure and a remainder configured to pivotally couple to said kite portion;  
wherein whereby said ballast figure remainder moves pivotally with respect to said mating structures and said kite portion.

22. (Currently amended) The flying toy system of according to Claim 21, wherein in which said kite portion has a body portion and an airfoil portion, said ballast is figure being coupled to said kite portion above said kite body portion.

23. (Currently amended) The ballast of flying toy according to Claim 21, wherein said ballast moves two or more times with respect to said flying toy, when in flight in which said coupling structure and said mating structure comprise a hook and loop configuration.

24. (Currently amended) The flying toy system of Claim 21, wherein said ballast portion figure is configured to inflate when in flight.

25. (Currently amended) A method of using a flying toy having coupling structures, comprising: including

coupling a removably, selectively positional ballast figure having mating structures to said coupling structures and a remainder not coupled to a said flying toy; and flying the toy such that said ballast figure remainder moves relative to said mating structures and changes the flight characteristics of said flying toy.

26. The method of using a flying toy of according to Claim 25, wherein said ballast portion figure moves periodically or intermittently with respect to said flying toy when in flight.